

INDIVIDUAL PRACTICES OF JUDGE PAUL A. CROTTY

Unless otherwise ordered by Judge Crotty, matters shall be conducted in accordance with the following practices:

1. Communications With Chambers

A. Letters

Except as otherwise provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. Telephone Calls.

Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at (212) 805-6312.

C. Faxes.

Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than 7 pages may be faxed without prior authorization. Do not follow with a hard copy. The fax number is (212) 805-6304.

D. Docketing, Scheduling, and Calendar Matters.

For docketing, scheduling and calendar matters, call the Courtroom Deputy, Mr. Marlon Ovalles at (212) 805-6312 between 8:30 A.M. and 5:00 P.M.

E. Requests for Adjournments or Extensions of Time.

All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order (reflecting only business days) must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. Motion Rules at a Glance

A. Pre-Motion Conferences in Civil Cases: As described below, a pre-motion conference with the court is required before making any motion, except motions that are brought on by order to show cause, motions by incarcerated pro se litigants, motions for admission pro hac vice, and motions for reargument.

1. Discovery Motions: No application relating to discovery (that is, any dispute arising under Rules 26 through 37 or Rule 45 of the Federal Rules of Civil Procedure) shall be heard unless the moving party has first conferred in good faith by telephone or in person with all other relevant parties in an effort to resolve the dispute. If the conference with the relevant parties has not resolved the issue or issues raised, the moving party must inform the parties during the conference that the moving party intends to seek relief from the Court on such issue or issues. The moving party must thereafter promptly request a conference with the Court. To request a conference with the Court, the moving party shall submit a letter (normally not more than five pages) setting forth the basis of the discovery dispute and the need for the anticipated motion. The letter must certify that the required in-person or telephonic conference took place between counsel and the relevant parties. The letter must also state the date of such conference and provide the adversary's position as to each issue being raised (as stated by the adversary during the in-person or telephonic conference). None of these requirements may be satisfied by attaching copies of correspondence between counsel. The party opposing the requested relief should submit a letter to the Court in response as soon as practicable.

2. Motions other than Discovery Motions: To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three pages in length setting forth the basis for the anticipated motion. Other parties may respond within three business days.

B. Courtesy Copies.

1. Pleadings: Courtesy copies of pleadings, marked as such, shall be submitted to chambers as soon as practical after filing, in accordance with the SDNY policies regarding mail deliveries.

2. Motion Papers: Courtesy copies of all motion papers, marked as such, shall be submitted to chambers at the time the papers are served, in accordance with the SDNY policies regarding mail deliveries.

C. Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. Filing of Motion Papers. No motion papers shall be filed until the motion has been fully briefed. Each party shall file its motion papers on the date the last reply memorandum is due. The moving party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers.

E. Oral Argument on Motions. Oral arguments will be held on all motions. After the motion has been fully briefed, and after consultation with all parties, the moving party

shall schedule oral argument on a specific Friday morning, by letter to be received by chambers and all other parties at least 10 days prior to the date selected. The moving party should not schedule oral arguments in cases in which the pro se plaintiff is incarcerated. In such cases, motions will be decided on the briefs.

F. Effect of a Motion on Notice of Appeal. Paragraph 2.A above does not apply to any of the motions described in the Federal Rules of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making any such motions, which should be filed when served.

3. Pretrial Procedures

A. Information Required at Initial Pretrial Conference. Unless otherwise ordered by the Court, the parties shall submit to the Court at the Initial Pretrial Conference, as required by the Order Scheduling Initial Pretrial Conference, the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).

B. Filings Prior to Trial in Civil Cases. On a schedule to be determined by the Court, the parties shall submit a joint Pretrial Order, as set forth in Appendix A. The Court strongly prefers a joint statement. However, if a joint statement is not possible due to fundamental disagreements on the issues, the parties may submit a separate statement.

- i. Counsel shall provide the Court with two (2) courtesy copies of all documents at the time they are served, as well as two (2) sets of pre-marked exhibits assembled

sequentially in a looseleaf binder, or in separate manila folders labelled with the exhibit numbers and placed in a suitable container or box for ready reference.

ii. When feasible, all items should be submitted, in addition to hard copies, on a 3.5" diskette or CD-Rom in WordPerfect version 9 or higher format.

4. Trial Hours: All counsel and parties are required to appear no later than 9:30 a.m. on the date of the trial. Trial will commence at 10:00 a.m. and continue through 12:45 p.m. The Court will break for lunch from 12:45 p.m. to 2:00 p.m. Trial will reconvene at 2:00 p.m. and continue through 4:45 p.m. All counsel, parties, and witnesses should plan to be available at the above-listed times.

Appendix A – Form of Pretrial Order

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

[caption]

XX Civ. XXXX (PAC)

The parties having conferred among themselves and with the Court pursuant to Fed. R. Civ. P. 15, the following statements, directions, and agreements are adopted as the Pretrial Order herein.

I. NATURE OF THE CASE

[Set forth a brief statement of the general nature of the action and the relief sought by each party.]

II. JURY / NON-JURY

[State whether a jury is claimed, whether there is any dispute as to whether the action should be tried by a jury, and the estimated length of trial.]

III. STIPULATED FACTS

[Set forth any stipulated or agreed statements of fact that have been agreed to by all parties.]

IV. PARTIES' CONTENTIONS

The pleadings are deemed amended to embrace the following, and only the following contentions of the parties:

A. Plaintiff's Contentions

[Set forth a brief statement of the plaintiff's contentions as to all ultimate issues of fact and law.]

B. Defendant's Contentions

[Set forth a brief statement of the defendant's contentions as to all ultimate issues of fact and law.]

V. ISSUES TO BE TRIED

[In non-jury cases, each party shall submit a separate statement of the proposed findings of fact and conclusions of law.]

[In all cases, each party shall submit a pretrial memorandum addressing all questions of law expected to arise at trial.]

VI. PLAINTIFF'S EXHIBITS

VII. DEFENDANT'S EXHIBITS

If an exhibit is not listed below, it may be used at trial only (a) for cross-examination purposes or (b) if good cause is shown for its exclusion from the pretrial order.

[Each side shall list all exhibits it intends to offer on its case in chief. The list shall include a description of each exhibit. All exhibits shall be premarked.]

VIII. STIPULATIONS AND OBJECTIONS WITH RESPECT TO EXHIBITS

[If there are to be objections, such objections should be noted by an asterisk, and the grounds for the objection (authenticity, relevancy, etc.) specified. Any objections not set forth herein will be considered waived absent good cause shown.]

[The parties shall set forth any stipulations with respect to the authenticity and admissibility of exhibits and indicate all objections to exhibits and grounds therefore.]

IX. PLAINTIFF'S WITNESS LIST

X. DEFENDANT'S WITNESS LIST

The witnesses listed below may be called at trial. If a witness is not identified herein, the witness shall not be permitted to testify on either party's case in chief absent good cause shown.

[Each party shall list the witnesses it intends to call on its case in chief and, if a witness's testimony will be offered by deposition, shall designate by page and line numbers the portions of the deposition transcript it intends to offer. Each party shall set forth any objections it has to deposition testimony designated by the other and the basis therefor.]

XI. MOTIONS IN LIMINE

[In all cases, counsel shall submit a list of all motions addressing any evidentiary or other issues that should be resolved in limine.]

XII. ADDITIONAL REQUIREMENTS IN JURY CASES

[In jury cases, counsel shall provide the court with requests to charge and voir dire questions. The parties must submit a single, unified set of proposed jury instructions on the law applicable

to the specific case. Where an instruction is not agreed upon, the parties should indicate who is proposing the instruction, as well as the legal basis for the instruction and for the other party's opposition to the instruction. Where applicable, counsel shall also submit a proposed special verdict form.]

XI. RELIEF SOUGHT

[The plaintiff shall set forth the precise relief sought, including each element of damages. If plaintiff seeks an injunction, the proposed form of injunction shall be set forth or attached.

SO ORDERED

PAUL A. CROTTY
United States District Judge

Dated: New York, New York

[Signatures of counsel:]